

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, AMENDING RESOLUTION NOS. R94-079 AND R09-018 TO INCREASE THE AMOUNT OF THE FUEL FLOWAGE FEES FOR HOLDERS OF PUBLIC FUEL PERMITS OR LICENSES AND NON-PUBLIC PERMITS OR LICENSES AS SET FORTH HEREIN; FINDING THAT THE FUEL FLOWAGE FEE AMOUNTS SET FORTH HEREIN ARE REASONABLE AND UNIFORM FOR THE SAME CLASS OF PRIVILEGE OR SERVICE AND ARE ESTABLISHED AND CONTINUED WITH DUE REGARD TO THE PROPERTY AND IMPROVEMENTS USED AND THE EXPENSES OF OPERATION TO THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (the “City”) is the owner of the Addison Airport (the “Addison Airport”) located within the City; and

**WHEREAS**, the City has issued public and non-public aircraft fuel dispensing permits to dispense aviation fuel at Addison Airport, and has issued and may issue licenses to receive, store, or dispense fuel at Addison Airport, which permits and licenses require, among other things, the payment to the City of a fuel flowage fee for each gallon of aviation fuel received by the permittee or licensee at Addison Airport during the term thereof, and reserve the right by the City to increase or decrease the fuel flowage fee as the City may determine, in its sole discretion, is necessary; and

**WHEREAS**, the City has heretofore, by Resolution No. R94-079 of the City on **October 1, 1994**, amended existing fuel flowage permits to establish the fuel flowage fee in an amount equal to twelve cents (\$0.12) for each gallon of aviation fuel received by holders of public fuel permits or licenses, and reserved the right to increase or decrease the fuel flowage fee as, in its sole discretion, may be necessary; and

**WHEREAS**, the City has heretofore, by Resolution No. R09-018 of the City on **October 1, 1994**, amended existing fuel flowage permits to establish the fuel flowage fee in an amount equal to twenty cents (\$0.20) for each gallon of aviation fuel received by holders of non-public fuel permits or licenses, and reserved the right to increase or decrease the fuel flowage fee as, in its sole discretion, may be necessary; and

**WHEREAS**, the City is authorized pursuant to Section 22.014 of the Texas Transportation Code to adopt ordinances, resolutions, rules, and orders necessary to manage, govern, and use Addison Airport; and

**WHEREAS**, the City recognizes that there are different classes of fuelers, public fuelers, and non-public fuelers, and in connection herewith the City has considered the differences between the classes and has given due consideration of all regulatory and legal requirements

affecting the fuel flowage fees assessed for the different classes of fuelers, including the City's obligation to make Addison Airport as self-sustaining as possible; and

**WHEREAS**, the City desires to amend Resolution Nos. R94-079 and R09-018 to increase: (i) the fuel flowage fee for holders of public fuel permits or licenses from twelve cents (\$0.12) for each gallon of aviation fuel received to fourteen cents (\$0.14) for each gallon of aviation fuel received; and (ii) the fuel flowage fee for holders of non-public fuel permits or licenses from twenty cents (\$0.20) for each gallon of aviation fuel received to twenty-two cents (\$0.22) for each gallon of aviation fuel received, and thereby to amend such permits and licenses as may be necessary to reflect such rates.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**Section 1.** The City Council does hereby amend Resolution Nos. R94-079 and R09-018 to increase: (i) the fuel flowage fee for holders of public fuel permits or licenses from twelve cents (\$0.12) for each gallon of aviation fuel received to fourteen cents (\$0.14) for each gallon of aviation fuel received; and (ii) the fuel flowage fee for holders of non-public fuel permits or licenses from twenty cents (\$0.20) for each gallon of aviation fuel received to twenty-two cents (\$0.22) for each gallon of aviation fuel received. Such permits and licenses for public fuelers and non-public fuelers shall be and are hereby amended as may be necessary to reflect such fuel flowage fee amounts.

The amended fuel flowage fees set forth herein shall continue in full force and effect from and after April 1, 2016 until such time as such fuel flowage fee amounts may be amended or modified by the City as the City may, in its sole discretion, deem necessary or appropriate.

**Section 2.** The City has reserved and hereby reserves the right to increase or decrease the said fuel flowage fee amounts as the City may, in its sole discretion, deem necessary or appropriate.

**Section 3.** The City Council finds that the fuel flowage fee amounts established and/or continued and confirmed hereby are reasonable and uniform for the same class of privilege or service and are established and continued with due regard to the property and improvements used and the expenses of operation to the City.

**Section 4.** The sections, paragraphs, sentences, phrases, clauses and words of this Resolution are severable, and if any section, paragraph, sentence, phrase, clause or word in this Resolution or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Resolution, and the City Council hereby declares that it would have passed such remaining portion of this Resolution despite such invalidity, which remaining portion shall remain in full force and effect.

**Section 5.** The above and foregoing premises to this Resolution are true and correct and are incorporated herein and made a part hereof.

**Section 6.** This Resolution shall take effect from and after its date of passage and approval.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 9<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

By: \_\_\_\_\_  
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney